

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE)
)
Gary L. Fleming, Sr.,) Case No. 19-20486 TPA
)
Debtor) Chapter 11
) Docket No. 11
)
Gary L. Fleming, Sr.,)
)
Movant)
)
Vs.)
)
Pieria Holdings, LLC,)
)
Respondent)

**ORDER CONFIRMING SALE OF MINERAL AND ROYALTY RIGHTS
FREE AND DIVESTED OF LIENS**

AND NOW, this ***14th*** day of ***March, 2019***, on consideration of the Debtor's Motion for Sale of Property Free and Divested of Liens, filed at Document No. 11, to Pieria Holdings, LLC, 25 Highland Park Village 100-308, Dallas, TX, 75205 for \$25,000.00, after hearing held in Courtroom C, 54th Floor, 600 Grant Street, Pittsburgh, PA, this date, the Court finds:

(1) That service of the *Notice of Hearing* and *Order* setting hearing on said *Motion* for private sale of mineral and royalty rights free and divested of liens of the above-named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for Private sale, viz:

DATE OF SERVICE **NAME OF LIENOR AND SECURITY**

NONE

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised on the Court's website pursuant to *W.P.A LBR 6004-1(c)(2)* on February 14, 2019 and in The Pennsboro News on February 20, 2019, 2019.

(4) That at the sale hearing the highest/best offer received was that of the

above Purchaser and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$25,000.00 by Pieria Holdings, LLC was a full and fair price for the property in question.

(6) That the Purchaser has acted in good faith with respect to the within sale in accordance with In re Abbotts Dairies of Pennsylvania, Inc., 788 F2d.143 (*3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED**, that the sale by Mineral and Royalty Deed of the mineral and royalty rights for certain property located in Ritchie County, West Virginia as described in the Mineral and Royalty Deed attached to this Motion is hereby **CONFIRMED** to Pieria Holdings, LLC for \$25,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Buyer above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby, are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this *Order*. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

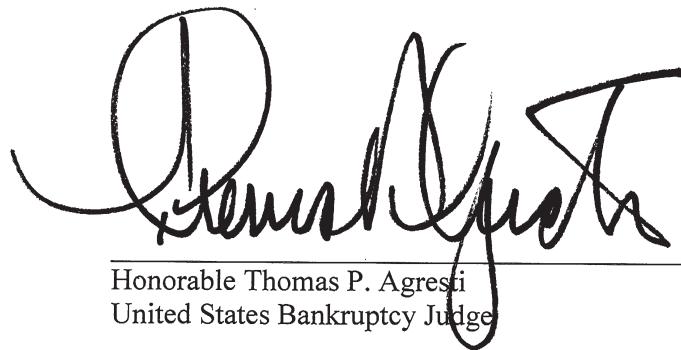
- (1) The following liens(s)/claim(s) and amounts; No known liens;
- (2) Any normal and necessary taxes and closing costs related to the sale of mineral rights;
- (3) The costs of local newspaper advertising in the amount of \$39.85 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (4) The Court filing fee of \$181.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (5) The Court approved attorney fees in the amount of \$750.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (6) The balance of the funds realized from the within sale shall be held by the Attorney for the Movant until further Order of Court, after notice and hearing; and,
- (7) Other: _____ *N/A*

FURTHER ORDERED that:

- (1) *Within seven (7) days of the date of this Order*, the Movant shall serve a copy of the within *Order* on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any

attorney or party who answered the motion or appeared at the hearing, the attorney of the Debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

- (2) *Closing shall occur within ninety (90) days of this Order.*
- (3) *Within seven (7) days following closing,* the Movants/Plaintiffs shall file a *Report of Sale* which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.



Honorable Thomas P. Agresti
United States Bankruptcy Judge

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
 Gary L. Fleming, Sr.
 Debtor

Case No. 19-20486-TPA
 Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lfin
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Mar 14, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 16, 2019.

db +Gary L. Fleming, Sr., 520 Thorn St., Sewickley, PA 15143-1533

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 16, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 14, 2019 at the address(es) listed below:

Brian M. Kile on behalf of Creditor Key Bank, N.A. bkile@grenenbirsic.com, mcupec@grenenbirsic.com;lstanger@grenenbirsic.com
 Christopher M. Frye on behalf of Debtor Gary L. Fleming, Sr. chris.frye@steidl-steinberg.com, julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com
 James Warmbrodt on behalf of Creditor Toyota Lease Trust bkgroup@kmlawgroup.com
 Karina Velter on behalf of Creditor JPMorgan Chase Bank, N.A. amps@manleydeas.com
 Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com, DMcKay@bernsteinlaw.com
 Larry E. Wahlquist on behalf of U.S. Trustee Office of the United States Trustee larry.e.wahlquist@usdoj.gov
 Michael W. Sloat on behalf of Creditor Farmers National Bank mike@lkslaw.us, scott@lkslaw.us
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

TOTAL: 8